

Minutes of Proceedings

3:20-mj-00076-CLB USA v. Galvan

REC'D 11 AUG '20 11:02 USDC-ORP

United States District Court

District of Nevada

Notice of Electronic Filing

The following transaction was entered on 8/5/2020 at 4:32 PM PDT and filed on 8/5/2020

Case Name: USA v. Galvan

Case Number: 3:20-mj-00076-CLB

Filer:

Document Number: 3(No document attached)

Docket Text:

MINUTES OF PROCEEDINGS - Video Initial Appearance in Rule 5(c)(3) Proceeding as to Joseph Galvan held on 8/5/2020 before Magistrate Judge Carla Baldwin. Crtrm Administrator: LGM; AUSA: Peter Walkingshaw; Def Counsel: Chris Frey; PTS: Misty Sanchez; Recording start and end times: 3:00:39 - 3:15:47; Courtroom: 1; Defendant waives his right to appear in person and proceed with this hearing by video. Defendant is advised of the charges and his rights. Financial Affidavit filed. The Federal Public Defenders Office is appointed as defense counsel. Attorney Christopher P. Frey, AFD for Joseph Galvan added. Defendant files an assertion of his 5th & 6th amendment rights and an assertion of right to be present in court unshackled. Waiver of Identity Hearing filed. ORDERED defendant identified as named defendant in complaint and is held to answer in the District of Oregon. Defendant waives his right to have the detention hearing conducted in Nevada. Next appearance date in originating district is on a date and time to be determined by the U.S. Marshals Service. Defendant is remanded to the custody of the U.S. Marshals Service for transport to the District of Oregon - Portland Division. (no image attached) (Copies have been distributed pursuant to the NEF - LGM)

3:20-mj-00076-CLB-1 Notice has been electronically mailed to:

Christopher P. Frey, AFD chris_frey@fd.org, ECF_Reno@fd.org, Katrina_Burden@fd.org, Sylvia_Irvin@fd.org, bonnie_bell@fd.org

Peter Walkingshaw Peter.Walkingshaw@usdoj.gov, Alicia.Coorey@usdoj.gov, CaseView.ECF@usdoj.gov, Tammy.Howard@usdoj.gov

3:20-mj-00076-CLB-1 Notice has been delivered by other means to:

AO 94 (Rev. 06/09) Commitment to Another District

UNITED STATES DISTRICT COURT

for the
District of Nevada

United States of America)

v.)

JOSEPH GALVAN)

Defendant)

Case No. 3:20-MJ-0076-CLB

Charging District's

Case No. 3:20-mj-00187

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COUNSEL/PARTIES OF RECORD	
AUG - 5 2020	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY:	DEPUTY

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the _____ District of Oregon,
 (if applicable) Portland division. The defendant may need an interpreter for this language:
N/A

The defendant: ☐ will retain an attorney.
☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: 08/05/2020


Judge's signature

Carla Baldwin

Printed name and title

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL PARTIES OF RECORD	
AUG - 5 2020	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

AO 466A (Rev. 12/17) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

UNITED STATES DISTRICT COURT
for the

United States of America

v.

Case No. 3:20-mj-00076-CLB

Charging District's Case No. 3-20-mj-00187

Joseph Galvan
Defendant

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)

I understand that I have been charged in another district, the (name of other court):

District of Oregon

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☐ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☒ an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my ☒ preliminary hearing and/or ☒ detention hearing be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 8/15/2020

X _____
Defendant's signature

Signature of defendant's attorney

Chris Frey
Printed name of defendant's attorney

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AUG - 5 2020	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA

vs.

CRIMINAL CASE NO. 3:20-mj-00187

Joseph Calvan
DEFENDANT

**ASSERTION OF RIGHT TO BE PRESENT IN COURT UNSHACKLED
AND PRESERVATION OF APPELLATE RIGHTS**

I assert my Fifth and Sixth Amendment Rights to be present in court without shackles, and further assert that appearing in court without shackles is necessary to maintain dignity and decorum in the judicial process.

I submit that the Court cannot institute a policy requiring defendants be shackled in every case. Instead, before I may be shackled for any courtroom proceeding, the Court must make an individualized decision on the record that a specific security need particular to me exists.

To order shackling, the Court must make an individualized determination finding that shackling serves a compelling government purpose and the particular shackling method is the least restrictive means for maintaining security and order in the courtroom. In making this determination, the Court should consider whether evidence exists demonstrating: a history of disruptive courtroom behavior; attempts to escape from custody; assaults or attempted assaults while in custody; or a pattern of defiant behavior towards corrections officials and judicial authorities.

Until the Court makes an individualized shackling determination on the record, I request to appear in court without shackles. The shackling determination must be made in my and my counsel's presence, allowing my counsel to object and create an evidentiary record.

This Assertion serves as a standing objection of my right to appear in court unshackled at all future appearances, without the need for me to reassert these rights or re-object to the shackling. This Assertion also preserves my right to appeal the Court's shackling decisions.

Defendant's Signature

Attorney's Signature

8/5/20 10:11AM
Date and time

Chris Frey
Attorney Name, AFPD

201 W. Liberty St, #102, Reno, NV

J SEAN GALVAN
10:15AM

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
AUG - 5 2020	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA

VS.

Joseph Galvan
Defendant

:
: 3:20-mj-0076-CLB
: Crim. No. 3:20-mj-00187

ASSERTION OF FIFTH AND SIXTH AMENDMENT RIGHTS

I, the above named defendant, hereby assert my Fifth and Sixth Amendment rights to remain silent and to have counsel present at any and all of my interactions with any local, state or federal government or its agents. I will not waive any of my constitutional rights except in the presence of counsel, and I do not want any local, state or federal government or its agents to contact me seeking my waiver of any rights unless my counsel is present.

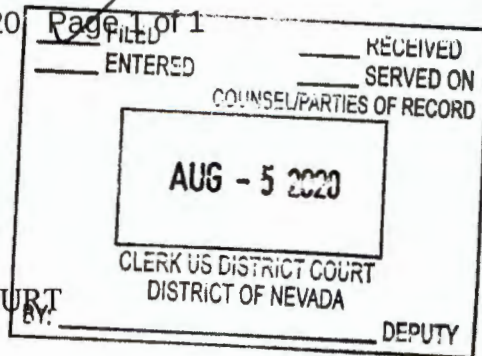
(Defendant's signature)

Chris Frey 201 W. Liberty Street, Suite 102. Reno, Nevada 89501
(Attorney's name/address printed)

[Signature]
(Attorney's signature)

Date: 8/5/20

Time: 2:00 a.m. / (p.m.)



UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

1
 2
 3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 vs.

6 JOSEPH GALVAN,

7 Defendant.
 8

CASE NO. 3:20-MJ-0076-CLB

ORDER APPOINTING COUNSEL

9 The individual named below, having testified under oath or having otherwise satisfied this
 10 Court that he/she: (1) is financially unable to employ counsel and (2) does not wish to waive counsel,
 11 and, because the interests of justice so require, the Court finds that the individual is indigent, therefore,

12 **IT IS ORDERED** that the Federal Public Defender for the District of Nevada is hereby
 13 appointed to represent Defendant.

14 **IT IS FURTHER ORDERED** that the Clerk issue subpoenas upon oral request and
 15 submission of prepared subpoenas by the attorneys of the Office of the Federal Public Defender, unless
 16 said subpoenas are to be served outside the State of Nevada. The cost of process, fees and expenses
 17 of witnesses so subpoenaed shall be paid as witness(es) and the United States Marshal shall
 18 provide such witness(es) subpoenaed advance funds for the purpose of travel within the District of
 19 Nevada and subsistence. Any subpoenas served on behalf of the individual, the return thereon to this
 20 Court shall be sealed, unless otherwise ordered.

21 **IT IS FURTHER ORDERED** that if counsel for the individual desires subpoenas to be served
 22 outside the State of Nevada, further application pursuant to Federal Rules of Criminal Procedure 17(b)
 23 shall be made to the Court, before the issuance of said subpoenas.

24 DATED: August 5, 2020

25 
 26 CARLA BALDWIN
 27 UNITED STATES MAGISTRATE JUDGE
 28